

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:04CV278

MARK DAUGHERTY,

Plaintiff,

v.

FOOD LION, LLC,

Defendant.

J U D G M E N T

For the reasons stated in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Defendant's motion for summary judgment is **ALLOWED**, and all of Plaintiff's claims, except his claim for "negligent supervision," are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's claim for "negligent supervision" is hereby **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

Defendant shall recover its costs of this action from the Plaintiff.

Signed: June 13, 2006

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

